

standards or technology-based design standards are most appropriate. The regulations shall address the following:

(1) Segregation, protection, and replacement of topsoil or other suitable growth medium, and the prevention, where possible, of soil contamination.

(2) Maintenance of the stability of all surface areas.

(3) Control of sediments to prevent erosion and manage drainage.

(4) Minimization of the formation and migration of acidic, alkaline, metal-bearing, or other deleterious leachate.

(5) Reduction of the visual impact of mineral activities to the surrounding topography, including as necessary pit backfill.

(6) Establishment of a diverse, effective, and permanent vegetative cover of the same seasonal variety native to the area affected by mineral activities, and equal in extent of cover to the natural vegetation of the area.

(7) Design and maintenance of leach operations, impoundments, and excess waste according to standard engineering standards to achieve and maintain stability and reclamation of the site.

(8) Removal of structures and roads and sealing of drill holes.

(9) Restoration of, or mitigation for, fish and wildlife habitat disturbed by mineral activities.

(10) Preservation of cultural, paleontological, and cave resources.

(11) Prevention and suppression of fire in the area of mineral activities.

(c) **SURFACE OR GROUNDWATER WITHDRAWALS.**—The Secretary shall work with State and local governments with authority over the allocation and use of surface and groundwater in the area around the mine site as necessary to ensure that any surface or groundwater withdrawals made as a result of mining activities approved under this section do not cause undue degradation.

(d) **SPECIAL RULE.**—Reclamation activities for a mining claim that has been forfeited, relinquished, or lapsed, or a plan that has expired or been revoked or suspended, shall continue subject to review and approval by the Secretary, or for National Forest System lands the Secretary of Agriculture.

#### **SEC. 308. STATE LAW AND REGULATION.**

(a) **STATE LAW.**—(1) Any reclamation, land use, environmental, or public health protection standard or requirement in State law or regulation that meets or exceeds the requirements of this Act shall not be construed to be inconsistent with any such standard.

(2) Any bonding standard or requirement in State law or regulation that meets or exceeds the requirements of this Act shall not be construed to be inconsistent with such requirements.

(3) Any inspection standard or requirement in State law or regulation that meets or exceeds the requirements of this Act shall not be construed to be inconsistent with such requirements.

(b) **APPLICABILITY OF OTHER STATE REQUIREMENTS.**—(1) Nothing in this Act shall be construed as affecting any toxic substance, solid waste, or air or water quality, standard or requirement of any State, county, local, or tribal law or regulation, which may be applicable to mineral activities on lands subject to this Act.

(2) Nothing in this Act shall be construed as affecting in any way the right of any person to enforce or protect, under applicable law, such person's interest in water resources affected by mineral activities on lands subject to this Act.

(c) **COOPERATIVE AGREEMENTS.**—(1) Any State may enter into a cooperative agreement with the Secretary, or for National Forest System lands the Secretary of Agriculture, for the purposes of such Secretary applying such standards and requirements referred to in subsection (a) and subsection (b) to mineral activities or reclamation on lands subject to this Act.

(2) In such instances where the proposed mineral activities would affect lands not subject to

this Act in addition to lands subject to this Act, in order to approve a plan of operations the Secretary concerned shall enter into a cooperative agreement with the State that sets forth a common regulatory framework consistent with the requirements of this Act for the purposes of such plan of operations. Any such common regulatory framework shall not negate the authority of the Federal Government to independently inspect mines and operations and bring enforcement actions for violations.

(3) The Secretary concerned shall not enter into a cooperative agreement with any State under this section until after notice in the Federal Register and opportunity for public comment and hearing.

(d) **PRIOR AGREEMENTS.**—Any cooperative agreement or such other understanding between the Secretary concerned and any State, or political subdivision thereof, relating to the management of mineral activities on lands subject to this Act that was in existence on the date of enactment of this Act may only continue in force until 1 year after the date of enactment of this Act. During such 1-year period, the State and the Secretary shall review the terms of the agreement and make changes that are necessary to be consistent with this Act.

#### **SEC. 309. LIMITATION ON THE ISSUANCE OF PERMITS.**

No permit shall be issued under this title that authorizes mineral activities that would impair the land or resources of the National Park System or a National Monument. For purposes of this section, the term "impair" shall include any diminution of the affected land including its scenic assets, its water resources, its air quality, and its acoustic qualities, or other changes that would impair a citizen's experience at the National Park or National Monument.

### **TITLE IV—MINING MITIGATION**

#### **Subtitle A—Locatable Minerals Fund**

##### **SEC. 401. ESTABLISHMENT OF FUND.**

(a) **ESTABLISHMENT.**—There is established on the books of the Treasury of the United States a separate account to be known as the Locatable Minerals Fund (hereinafter in this subtitle referred to as the "Fund").

(b) **INVESTMENT.**—The Secretary shall notify the Secretary of the Treasury as to what portion of the Fund is not, in the Secretary's judgment, required to meet current withdrawals. The Secretary of the Treasury shall invest such portion of the Fund in public debt securities with maturities suitable for the needs of such Fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketplace obligations of the United States of comparable maturities.

##### **SEC. 402. CONTENTS OF FUND.**

The following amounts shall be credited to the Fund:

(1) All moneys collected pursuant to section 506 (relating to enforcement) and section 504 (relating to citizens suits).

(2) All permit fees and transfer fees received under section 304.

(3) All donations by persons, corporations, associations, and foundations for the purposes of this subtitle.

(4) All amounts deposited in the Fund under section 102 (relating to royalties and penalties for underreporting).

(5) All amounts received by the United States pursuant to section 101 from issuance of patents.

(6) All amounts received by the United States pursuant to section 103 as claim maintenance and location fees.

(7) All income on investments under section 401(b).

##### **SEC. 403. SUBACCOUNTS.**

There shall be in the Fund 2 subaccounts, as follows:

(1) The Hardrock Reclamation Account, which shall consist of 2/3 of the amounts credited

to the Fund under section 402 and which shall be administered by the Secretary acting through the Director of the Office of Surface Mining and Enforcement.

(2) The Hardrock Community Impact Assistance Account, which shall consist of 1/3 of the amounts credited to the Fund under section 402 and which shall be administered by the Secretary acting through the Director of the Bureau of Land Management.

#### **Subtitle B—Use of Hardrock Reclamation Account**

##### **SEC. 411. USE AND OBJECTIVES OF THE ACCOUNT.**

(a) **IN GENERAL.**—The Secretary is authorized, subject to appropriations, to use moneys in the Hardrock Reclamation Account for the reclamation and restoration of land and water resources adversely affected by past mineral activities on lands the legal and beneficial title to which resides in the United States, land within the exterior boundary of any national forest system unit, or other lands described in subsection (d) or section 412, including any of the following:

(1) Protecting public health and safety.

(2) Preventing, abating, treating, and controlling water pollution created by abandoned mine drainage.

(3) Reclaiming and restoring abandoned surface and underground mined areas.

(4) Reclaiming and restoring abandoned milling and processing areas.

(5) Backfilling, sealing, or otherwise controlling, abandoned underground mine entries.

(6) Revegetating land adversely affected by past mineral activities in order to prevent erosion and sedimentation, to enhance wildlife habitat, and for any other reclamation purpose.

(7) Controlling of surface subsidence due to abandoned underground mines.

(b) **PRIORITIES.**—Expenditures of moneys from the Hardrock Reclamation Account shall reflect the following priorities in the order stated:

(1) The protection of public health and safety, from extreme danger from the adverse effects of past mineral activities, especially as relates to surface water and groundwater contaminants.

(2) The protection of public health and safety, from the adverse effects of past mineral activities.

(3) The restoration of land, water, and fish and wildlife resources previously degraded by the adverse effects of past mineral activities.

(c) **HABITAT.**—Reclamation and restoration activities under this subtitle, particularly those identified under subsection (a)(4), shall include appropriate mitigation measures to provide for the continuation of any established habitat for wildlife in existence prior to the commencement of such activities.

(d) **OTHER AFFECTED LANDS.**—Where mineral exploration, mining, beneficiation, processing, or reclamation activities have been carried out with respect to any mineral which would be a locatable mineral if the legal and beneficial title to the mineral were in the United States, if such activities directly affect lands managed by the Bureau of Land Management as well as other lands and if the legal and beneficial title to more than 50 percent of the affected lands resides in the United States, the Secretary is authorized, subject to appropriations, to use moneys in the Hardrock Reclamation Account for reclamation and restoration under subsection (a) for all directly affected lands.

(e) **RESPONSE OR REMOVAL ACTIONS.**—Reclamation and restoration activities under this subtitle which constitute a removal or remedial action under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601), shall be conducted with the concurrence of the Administrator of the Environmental Protection Agency. The Secretary and the Administrator shall enter into a Memorandum of Understanding to establish procedures for consultation, concurrence, training, exchange of technical expertise and